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January 26, 2022

**By ECF and U.S. Mail**

The Honorable Gregory H. Woods  
United States District Judge  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street, Room 1920  
New York, New York 10007

Re: *Nexpoint Strategic Opportunities Fund v. Acis Capital Management, L.P., et al.*, No. 1:21-cv-04384-GHW

Dear Judge Woods:

We write as counsel for Defendant Joshua N. Terry to advise the Court that Plaintiff NexPoint Strategic Opportunities Fund (“NexPoint”) consents to Mr. Terry’s request to waive the pre-motion conference requirement for his anticipated motion to dismiss NexPoint’s Second Amended Complaint (“SAC,” Dkt. 42). *See* Dkt. 71. NexPoint’s consent is contingent on the Court granting NexPoint an additional 5 days to respond to Mr. Terry’s anticipated motion to dismiss from the deadline to oppose defendants’ motions to dismiss set out in the Court’s January 4, 2022 Order. *See* Dkt. 65. NexPoint does not seek to modify its deadline to oppose the other defendants’ motions to dismiss, and Mr. Terry has agreed to submit his reply brief on the same date as the other Defendants, such that all briefing on the motions to dismiss will still be completed on March 10, 2022.

Accordingly, Mr. Terry respectfully requests that the Court waive the pre-motion conference requirement and approve the following briefing schedule for his motion to dismiss:

- Deadline for Mr. Terry to file and serve his motion to dismiss: January 27, 2022.
- Deadline for NexPoint’s opposition to Mr. Terry’s motion to dismiss: March 1, 2022.
- Deadline for Mr. Terry’s reply: March 10, 2022.

Respectfully submitted,

/s/ *Jonathan E. Pickhardt*

Jonathan E. Pickhardt  
Tel: (212) 849-7115

cc: Counsel of Record (by e-mail)

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